IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5052 of 2004

Between:

1 M.A. Mannan, s/o M.A. Rahman,
R/o 1-4-43, Musheerabad, Hyderabad.
2 M.A. Khaliq, s/o M.A. Rahman,
R/o 1-4-483, Musheerabad, Hyderabad.
3 Syed Ghyasuddin Quadri, s/o Syed Qutubuddin Quadri,
R/o 1-4-482/3/1, Musheerabad, Hyderabad.

..... PETITIONER(S)

AND

1 Govt. of India, rep. by; The Principle Secretary,
Finance & Planning Department, New Delhi.
2 Reserve Bank of India, rep. by the Governor, New Delhi.
3 State Bank of Hyderabad, Malakpet Branch, Hyderabad, rep. by the Branch Manager, Through Authorized Officer.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ or direction particularly Writ in the nature of Mandamus declaring the Section 11, 13 and 3 of The Securitisation and Reconstruction of financial Assets and Enforcement of Securities Interest Act, 2002 as illegal, effecting the fundamental rights of the parties by declaring the initiation of proceedings and issuance of the notices for demand, possession and Auction notices dt. 24-11-2003, 29-1-2004 and 1-3-2004 by the respondent No.3 as illegal.

For the Petitioner:MR.BAJRANG SINGH THAKUR, Advocate

For the Respondent No.1: MR.A.RAJASHEKAR REDDY (SC FOR CG)

For respondent No.2: **MR K.Srinivasa Murthy, Advocate**
For respondent No.3: **Smt P.Bala Rani, Advocate**

The Court Made the Following ORDER:

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ

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G.ROHINI, J

29th June, 2004.

nmr

ASSISTANT REGISTRAR

// true copy //

SECTION OFFICER

To

1. Principal Secretary, Govt. of India,

Finance & Planning Department, New Delhi

2 Governor, Reserve Bank of India, New Delhi.
3 Branch Manager and Authorised Officer, State Bank of Hyderabad, Malakpet Branch, Hyderabad.

4 2 CD copies.